

**UNITED STATES POSTAL SERVICE  
IN THE MATTER OF**

George S. Workinger,  
Appellant,

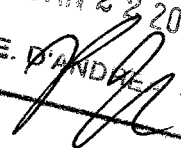
v.

William J. Henderson,  
Postmaster General,  
U. S. Postal Service,  
Allegheny Area,  
Respondent.

Date JAN 8 2001

EEOC Docket No. 05A10154

Agency Case No. 4C-175-0057-00

**FILED**  
HARRISBURG PA  
JAN 22 2001  
MARY E. D'ANDREA  
Per 

**AGENCY'S RESPONSE TO APPELLANT'S REQUEST FOR RECONSIDERATION**

COMES NOW, THE UNITED STATES POSTAL SERVICE, hereinafter referred to as the Agency, and requests that the Equal Employment Opportunity Commission (EEOC) deny appellant's request for reconsideration on the basis that appellant's request does not meet the standard for reconsideration as set forth in 29 C.F.R. 1614.405(b)(1)(2).

**APPELLANT'S CONTENTIONS**

In appellant's request, received by the Agency on December 26, 2000, appellant asks that the Commission reconsider the appeal decision rendered in this case on November 24, 2000, by the Office of Federal Operations (OFO) based on 29 C.F.R. 1614.405(b)(1)(2).

A fair reading of appellant's "Motion for Reconsideration" shows that appellant reiterates the matter as presented in his precomplaint/formal complaint of discrimination and subsequent appeal brief, which has already been considered by the Commission.

In total, appellant's brief in support of the request for reconsideration does not establish that: (1) the appellate decision involved a clearly erroneous interpretation of material fact or law; or (2) the decision will have a substantial impact on the policies, practices, or operation of the agency. *Rather*, appellant raises matter which has already been considered by OFO and thus, merely expresses dissatisfaction with the Commission's decision.

Pursuant to 29 C.F.R. 1614.405(b), appellant has proffered no argument and/or evidence to support appellant's request for reconsideration.

(4)  
PC  
1/29

WHEREFORE, the Agency respectfully requests that the Commission find that appellant's request fails to meet the criteria of 29 C.F.R. 1614.405(b), and denies appellant's request.

Respectfully submitted,

  
Joseph R. Bruce  
Sr. EEO Complaints Investigator

Attachment: Certificate of Service



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Office of Federal Operations  
P.O. Box 19848  
Washington, D.C. 20036

DEC 21 2000

REQUEST FOR RECONSIDERATION

George S Workinger  
1170 Valley Green Rd  
Etters, PA 17319

RE: USPS - Allegheny  
Docket # : 05A10154  
Assoc # : 01997054  
Agency #1: 4C175005799  
Agency #2:  
Agency #3:  
Filed : 121100

Dear Mr. Workinger:

Your request for reconsideration has been docketed and assigned the docket number listed above. Please refer to the docket number on all correspondence to this office.

The Commission, in its discretion, may grant the request if the party demonstrates that: (1) the appellate decision involved a clearly erroneous interpretation of material fact or law; or (2) the decision will have a substantial impact on the policies, practices, or operation of the agency. 64 Fed.Reg.37644,37659(1999) (to be codified at 29 CFR 1614.405(b)(1) & (2)).

You were required to submit any supporting documents or brief at the time the request was filed. The opposing party shall have 20 days from the date of service in which to submit any brief or statement in opposition. Such brief or statement must be served on the requesting party and proof of service must be included with the submission to the Office of Federal Operations. The Commission will accept statements or briefs in opposition to a request by facsimile transmission (fax number 202-663-7022) provided they are no more than ten (10) pages long.

Sincerely,

*Robert J. Barnhart*  
Robert J. Barnhart, Director  
Compliance and Control Division  
Office of Federal Operations

cc: USPS - Allegheny  
Mgr, EEO Compliance & Appeals  
5315 Campbell Run Rd  
Pittsburgh, PA 15277-7050

SEE ATTACHED -  
- 2 PAGES  
- 3 TOTAL

Docket # 05A10154

George S. Workinger, CLU, RFP



## Sentry Insurance

Sentry Insurance  
Sentry Equities  
1170 Valley Green Road  
Etters, PA 17319  
717 938-8472

December 7, 2000

Appeal No. 01997054; Agency No. 4C-175-0057-99  
**RECONSIDERATION (M0900)**

**To:** Director, Office of Federal Operations; EEOC  
P.O. Box 19848, Washington, D.C. 20036

As stated previously and evidenced in the record, this action was initiated nine (9) days after agency termination and well within the forty-five (45) day limitation period for timeliness purposes. The basis for the action was Agency's untimely action of termination and failure of due process.

The purported discriminatory events which occurred from "7/98 thru 2/99" were only discovered after Agency's action of termination which was not only untimely but also intended to discourage and delay these proceedings.

This **RECONSIDERATION (900)** to the appellate decision involves a clearly erroneous interpretation of material facts and laws. I fully intend to pursue this matter in U.S. District Court unless the Agency offers a reasonable settlement to restore status.

### CERTIFICATE OF MAILING

I certify that this Request for Reconsideration was mailed to Agency, Director, Office of Federal Operations (EEOC), and Complainant's representative on this date, December 7, 2000.

George S. Workinger  
(Complainant)

P.S. THE COLLECTIVE BARGAINING UNIT-LETTER CARRIERS UNION-AGREEMENT WITH THE AGENCY WAS NOT ALTERED BY 29 C.F.R. § 1014.107(a)(2) ON NOVEMBER 9 1999. THUS, THIS ACTION WAS TIMELY AND PROPERLY INITIATED ON FEBRUARY 12, 1999 BY NOTICE TO AGENCY AS EVIDENCED IN THE RECORD. *Sup Subj 12/26/00*

February 12, 1999

Kathy A. Landis, OIC  
Etters Post Office, PA 17319

Re: Grievance Filing

Please be advised that a grievance is being filed on my behalf by the Pennsylvania Letter Carriers Union for the untimely and unheard separation from the United States Postal Service effective with the close of business on February 3, 1999.

Mr. Joey Johnson plans to contact you on Monday, 2/15/99 to determine details, etc. Your signature below, or that of the window employee on this date, Friday, 2/12/99, acknowledges receipt of this notice.



George S. Workinger  
194-36-0860

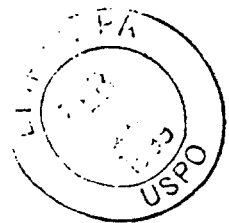
Rec'd. by:

Print name

  
JANE CONLEY

cc: File; Joey Johnson 610-718-0354

PA Rural Letter Carriers Assn.



**UNITED STATES POSTAL SERVICE  
EQUAL EMPLOYMENT OPPORTUNITY CASE  
IN THE MATTER OF**

**George S. Worker, Appellant  
Appeal/Docket No. 05A10154  
Agency Case No. 4C-175-0057-99**

**CERTIFICATE OF SERVICE**

I hereby certify that the Agency's Response to Appellant's Request For Reconsideration has been sent by certified mail on this date to:


DIRECTOR COMPLIANCE AND CONTROL DIVISION  
OFFICE OF FEDERAL OPERATIONS  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
PO BOX 19848  
WASHINGTON DC 20036-0848

and by regular mail to:

**APPELLANT:**  
GEORGE S. WORKINGER  
1170 VALLEY GREEN RD  
ETTERS PA 17319

JAN 8 2001

DATE

  
Office of EEO Compliance and Appeals  
U S Postal Service, Allegheny Area  
One Marquis Plaza  
5315 Campbells Run Road  
Pittsburgh, PA 15277-7050



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Office of Federal Operations

P.O. Box 19848

Washington, D.C. 20036

George S. Workinger,  
Complainant,

v.

William J. Henderson,  
Postmaster General,  
United States Postal Service,  
Agency.

Appeal No. 01997054  
Agency No. 4C-175-0057-99

DECISION

Upon review, the Commission finds that complainant's complaint was properly dismissed pursuant to 29 C.F.R. § 1614.107(a)(2), for untimely EEO Counselor contact.<sup>1</sup> The record discloses that the alleged discriminatory events raised in the instant complaint related to a younger man purportedly being offered employment instead of complainant; and that complainant was terminated from agency employment. In his formal complaint, complainant stated that the purported discriminatory events occurred from "7/98 thru 2/99." However, complainant did not initiate contact with an EEO Counselor until May 26, 1999, which is beyond the forty-five (45) day limitation period. On appeal, no persuasive arguments or evidence have been presented to warrant an extension of the time limit for initiating EEO contact. Accordingly, the agency's final decision dismissing complainant's complaint is **AFFIRMED**.

STATEMENT OF RIGHTS - ON APPEAL

RECONSIDERATION (M0900)

The Commission may, in its discretion, reconsider the decision in this case if the complainant or the agency submits a written request containing arguments or evidence which tend to establish that:

<sup>1</sup>On November 9, 1999, revised regulations governing the EEOC's federal sector complaint process went into effect. These regulations apply to all federal sector EEO complaints pending at any stage in the administrative process. Consequently, the Commission will apply the revised regulations found at 29 C.F.R. Part 1614 in deciding the present appeal. The regulations, as amended, may also be found at the Commission's website at [www.eeoc.gov](http://www.eeoc.gov).

IRA:  
DID YOU RECEIVE?  
PLEASE ADVISE.

Jeep (717)  
935-6472

POSTMASTER UNRICK  
WITH HELD INFORMATION

??  
NO NOTICE GIVEN OF PENDING REGULATION REVISION GIVEN.

1. The appellate decision involved a clearly erroneous interpretation of material fact or law; or *WYRICK'S INACTION*
2. The appellate decision will have a substantial impact on the policies, practices, or operations of the agency.

Requests to reconsider, with supporting statement or brief, must be filed with the office of federal operations (OFO) **within thirty (30) calendar days** of receipt of this decision or **within twenty (20) calendar days** of receipt of another party's timely request for reconsideration. *See* 29 C.F.R. § 1614.405; Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), 9-18 (November 9, 1999). All requests and arguments must be submitted to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 19848, Washington, D.C. 20036. In the absence of a legible postmark, the request to reconsider shall be deemed timely filed if it is received by mail within five days of the expiration of the applicable filing period. *See* 29 C.F.R. § 1614.604. The request or opposition must also include proof of service on the other party.

Failure to file within the time period will result in dismissal of your request for reconsideration as untimely, unless extenuating circumstances prevented the timely filing of the request. Any supporting documentation must be submitted with your request for reconsideration. The Commission will consider requests for reconsideration filed after the deadline only in very limited circumstances. *See* 29 C.F.R. § 1614.604(c).

(7/7)  
221-3920

228 WAMT ST. RM. 1060

ORIGINAL + 1 COPY

HBO 17108

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (S0900)

You have the right to file a civil action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work. If you file a request to reconsider and also file a civil action, **filing a civil action will terminate the administrative processing of your complaint.**

RIGHT TO REQUEST COUNSEL (Z1199)

If you decide to file a civil action, and if you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or other security. *See* Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*; the Rehabilitation Act of 1973,



as amended, 29 U.S.C. §§ 791, 794(c). **The grant or denial of the request is within the sole discretion of the Court.** Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action must be filed within the time limits as stated in the paragraph above ("Right to File A Civil Action").

FOR THE COMMISSION:



\_\_\_\_\_  
Carlton M. Hadden, Director  
Office of Federal Operations

NOV 24 2000

\_\_\_\_\_  
Date

**CERTIFICATE OF MAILING**

**For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was mailed. I certify that this decision was mailed to complainant, complainant's representative (if applicable), and the agency on:**

NOV 24 2000

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Equal Opportunity Assistant



Monday, July 26, 1999

**GEORGE S. WORKINGER**  
1170 VALLEY GREEN ROAD  
ETTERS PA 17319-9490


Case No. 4C-175-0057-99

Dear Mr. Workinger:

This notice acknowledges receipt of your formal complaint of discrimination filed on July 22, 1999. Your complaint is sent to the Office of EEO Compliance and Appeals in Philadelphia for review of acceptance or dismissal.

If it is accepted for investigation, you will be advised what further action should be taken.

Sincerely,

  
Huie A. Douglas  
EEO Investigator

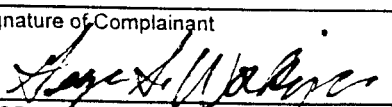
Cc: Ira H. Weintrock, Esq.

File

U.S. Postal Service

# EEO Complaint of Discrimination in the Postal Service

See Instructions and Privacy Act Statement  
on Reverse

<b>RECEIVED</b> 11 26 1999 EEO COMPLAINTS PROCESSING LANCASTER DISTRICT OFFICE			
1. Name GEORGE S. WORKINGER		2. SSN 194-36-0860	Case No. 4C175005799
3. Mailing Address 17319 1170 Valley Green Road, Etters, PA		4. Home Phone 717-938-6472	5. Work Phone 717-938-1194(fax)
6. Position Title (USPS Employees Only) Rural Carrier Associate (RCA)		7. Grade Level (USPS Employees Only) 05/Y	
8. Installation Where You Believe Discrimination Occurred (Identify Installation, City, State, and ZIP+4) USPS, Etters, PA 17319-9490		9. Name & Title of Person(s) Who Took the Action(s) You Allege Was Discriminatory Merrie Wyrick, Postmaster & Kathy Landis, OIC	
10. I designate this person to be my representative. - if no settlement offer rendered			
a. Name Ira H. Weinstock, P.C.		Title Attorney (retained)	
Mailing Address 800 N. Second St., Suite 100, Harrisburg, PA 17102			
b. Home Phone 717-238-1657		c. Work Phone 717-238-6691(fax)	
11. Type of Discrimination Alleged		12. Date on Which Alleged Act of Discrimination Took Place	
<input type="checkbox"/> Race (Specify): <input type="checkbox"/> Color (Specify): <input type="checkbox"/> Religion (Specify): <input type="checkbox"/> National Origin (Specify):		<input type="checkbox"/> Sex (Specify): <input checked="" type="checkbox"/> Age (Specify): over age 40 <input type="checkbox"/> Retaliation (Specify Prior EEO Activity): <input type="checkbox"/> Disability (Specify):	
		7/98 thru 2/99	
13. Explain the specific actions or situation that resulted in your allegation(s) as to how you believe you were discriminated against (treated differently from other employees or applicants) because of race, color, religion, national origin, sex, age, or disability. Discrimination due to age and gender (male) in that another younger male employee (James Bowman, age 39) was offered and given employment (Route 7) over me, even though my RCA test scores were higher and we had equal seniority status. Also, I was terminated for allegedly bumping another vehicle but wasn't given a hearing as required, and the personnel action was taken beyond statutory time constraints. Please see PS2564-A and previous filings.			
14. I have discussed my complaint with an EEO counselor <input type="checkbox"/> Yes (Date of final interview: _____) <input checked="" type="checkbox"/> No no attempt to interview was made		15. Name and Signature of EEO Counselor Huie A. Douglas	
16. Corrective Action Sought Compensation as prescribed in EEOC guidelines; Age Discrimination Employment Act of 1967 (ADEA); Equal Pay Act of 1963; Title VII-Civil Rights Act of 1964; Civil Rights Act of 1991.			
17. Signature of Complainant 		18. Date of This Complaint 7-21-99 (7/21/99)	

U.S. Postal Service

**EEO Counselor's Inquiry Report**Case No.  
4C175005799**NOTICE OF RESTRICTED USAGE**

Access to, and usage of, this EEO report is RESTRICTED by both the Freedom of Information Act and the Privacy Act to: (1) the complainant (and his or her representative), and (2) government officials who must have access to the files to discharge their OFFICIAL duties. The report must be safeguarded. Willful violations of these requirements are subject to criminal penalties (5 U.S.C. 552a(i)).

**Complainant**

Name (Last, First, MI) <b>WORKINGER, GEORGE S.</b>		Social Security No. <b>194-36-0860</b>
Veteran's Preference <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Home Telephone No. <b>717-938-6472</b>	Office Telephone No. <b>717-774-6137</b>

Home Address (No., Street, City, State, ZIP + 4)  
**1170 VALLEY GREEN ROAD**

**ETTERS** PA **17319-9490**

Facility Name and Address (No., Street, City, State ZIP + 4) **ETTERS POST OFFICE**  
**53 SOUTH KEISTER STREET**  
**ETTERS**

PA **17319-9998**

Position Title <b>RURAL CARRIER ASSOCIATE</b>	Grade Level <b>PS-05/Y</b>	Finance No. <b>41-2572</b>	Pay Location <b>000</b>	BA Code <b>4C</b>
Duty Hours	Days Off	Tour <b>II</b>	MSC No. <b>175</b>	EEO Poster on Display <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Chronology of EEO Counseling**

Date of Incident <b>02/03/99</b>	Date of Initial Contact With EEO Office <b>05/26/99</b>	Date of Initial Interview <b>06/04/99</b>
Date ADR Election Form Signed	Date 60-Day Extension Form Signed	Date Counselee Received/Signed Notice of Right to File <b>07/20/99</b>
Date Counselor's Report Requested <b>07/26/99</b>	Date Counselor's Report Submitted <b>08/11/99</b>	

**Basis for Alleged Discrimination**

Check and Particularize Each that Applies:

- ☐ 1. Race (Specify):
- ☐ 2. Color (Specify):
- ☐ 3. Religion (Specify):
- ☐ 4. Sex (Specify):
- ☐ 5. National Origin (Specify):
- ☒ 6. Age (Specify): **49**
- ☐ 7. Physical Disability (Specify):
- ☐ 8. Mental Disability (Specify):
- ☐ 9. Retaliation (Specify Cited Prior EEO Activity):

**Allegation(s) of Discrimination:**

Complainant alleged that [1] another employee was offered and given employment over him even though his RCA test scores were higher and each had equal seniority status; and [2] He was separated from the Postal Service, effective February 3, 1999, for allegedly bumping a parked vehicle while working on December 12, 1998. In that he was not given a hearing nor was the personnel action taken within the specified time allowed pursuant to Postal Regulations.

## EEO Counselor's Checklist

Counselor Complete All Items Below That Apply and Initial Next to the Numbered Item

- HAD 1. Counselor informed aggrieved of the impartial role of the counselor in the EEO complaint process. Counselor also explained the EEO process to aggrieved and provided aggrieved with the booklet, What You Need to Know About EEO, which contains an overview of the EEO process in the Postal Service. (Note: Counselor must obtain signed receipt if booklet is personally delivered. Booklets sent by mail must be sent certified, return receipt requested.)
- HAD 2. Counselor notified aggrieved of his/her right to be accompanied, represented and advised by a representative of his/her choice at any stage in the complaint process. Aggrieved HAS X /HAS NOT \_\_\_\_\_ designated a representative.
- Name: Ira H. Weinstock  
 Position/Title: Attorney  
 Address: 800 North Second Street  
 Suite 100  
 Harrisburg PA 17102  
 Phone No.: 717-238-6691
- HAD 3. Counselor advised aggrieved of his/her right to remain anonymous during precomplaint counseling and he/she DID X /DID NOT \_\_\_\_\_ waive anonymity.
- \_\_\_\_\_ 4. If a mixed case, counselor informed aggrieved of the mixed case election procedures in 29 C.F.R. §1614.302(b). As of \_\_\_\_\_ (date) aggrieved HAS \_\_\_\_\_ /HAS NOT \_\_\_\_\_ filed an appeal on the same matter to the MSPB.
- HAD 5. Counselor ascertained that aggrieved HAS \_\_\_\_\_ /HAS NOT X filed a grievance on this issue. If grievance has been filed, counselor informed aggrieved of the Postal Service's option to defer processing the formal complaint, as outlined in 29 C.F.R. §1614.301(c).
- HAD 6. Counselor explained the privacy act notice. Aggrieved signed a copy of the notice prior to the interview.
- HAD 7. If age discrimination is alleged, counselor informed aggrieved of the alternate procedures available for pursuing age claims, as outlined in 29 C.F.R. §1614.201.
- \_\_\_\_\_ 8. If a sex based claim of wage discrimination is alleged under Equal Pay Act (EPA), Counselor advised aggrieved person of his/her right to bypass the administrative procedure and file a civil action, as outlined in 29 C.F.R. §1614.409.
- \_\_\_\_\_ 9. If discrimination based on disability is alleged, counselor informed aggrieved of his/her requirement to submit disability documentation. Documentation HAS \_\_\_\_\_ /HAS NOT X been submitted.
- \_\_\_\_\_ 10. If aggrieved person wishes to file a class complaint, counselor explained the class complaint procedures and the responsibilities of a class agent as outlined in 29 C.F.R. §1614.204.
- HAD 11. Counselor informed aggrieved person of his/her requirement to immediately notify the EEO office if his/her mailing address changes.

## Remedy Requested

Describe the Requested Remedy

Compensation as prescribed in EEOC guidelines; Age Discrimination Employment Act of 1967; Equal Pay Act of 1963; Title VII Civil Rights Act of 1964; Civil Rights Act of 1991.

## Counselor's Inquiry

Counselor Give Brief Summary of Inquiry (If applicable)

Management at Etters Post Office was unavailable to respond to the allegation.

Evidence of records from Personnel reveals that complainant was separated during his probationary period due to failure to report an accident on December 12, 1998. In that, he left the scene of accident without notifying the owner of the other vehicle and did not report it to Management.

Insofar as allegation that Mr. Bowman was offered and given employment over him, evidence of record reveals that Complainant and Bowman have same work history. They were both hired on the January 31, 1998 as TRCs and both terminated on July 11, 1998.

Both took the RCA test and were hired same date as RCAs - July 18, 1998. Complainant's score was higher than Bowman, but Personnel states that it is not an issue because both were hired the same date.

## Alternate Dispute Resolution Process (Counselor complete only if the ADR process is used)

Type of ADR Process Utilized	Date(s) of ADR Session
Disposition (Initial appropriate item and describe as necessary)	

\_\_\_\_\_ Not Resolved.

\_\_\_\_\_ Partially Resolved (List issue(s) resolved during ADR and attach a copy of the settlement agreement.)

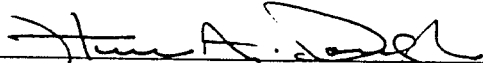
## Summary of Final Information Given to Aggrieved by Counselor

By Notice of Final Interview dated July 15, 1999, and received on July 20, 1999, complainant was advised that management was unable to respond to the allegation. On July 22, 1999, complainant filed a formal complaint of discrimination based on Age and Sex.

## Privacy Act Notice

The collection of this information is authorized by Public Law 92-261, Equal Employment Act of 1972; 29 U.S.C., sections 621 et seq. and 701 et seq.; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request;

to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

EEO Counselor's Signature 	Typed Name of EEO Counselor HUIE A. DOUGLAS	Counselor's ID No. 2165
--	--	----------------------------

Counselor's Office Address (No., Street, City, State, and ZIP + 4)

EEO COMPLAINTS PROCESSING

1000 WEST VALLEY ROAD

SOUTHEASTERN

PA 19399-9411

Office Telephone No.

610-964-6460

Office Telephone No.



EEO COMPLAINTS PROCESSING  
LANCASTER DISTRICT



**NOTICE OF FINAL INTERVIEW**

July 15, 1999

GEORGE S WORKINGER  
1170 VALLEY GREEN RD  
ETTERS PA 17319

Certified Mail No. Z 412 449 550  
Return Receipt Requested  
CASE NO.: 4C-175-0057-99

Dear Mr. Workinger:

This is the **Notice of Final Interview** concerning your May 26, 1999 request for counseling wherein you requested anonymity. You alleged discrimination due to age and gender (male), in that 1) another younger male employee was offered and given employment over the you although your RCA test scores were lower; 2) on February 3, 1999 you were issued a separation during probationary period for failure to report an accident. You stated that James Bowman (age 39), who has the same seniority as you and whose RCA test score (route #7) was lower was offered and given employment prior to you. Further, you stated that you were terminated for allegedly bumping a vehicle on 12-12-98. You stated that you were unaware of the mishap and were not given a hearing nor was the personnel action taken within the specified time allowed pursuant to USPS regulations.

You request compensation as prescribed in EEOC guidelines.

I was unable to obtain a response from Ms. Kathy Landis due to her recovering from surgery.

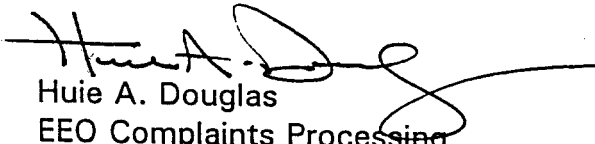
I have apprised you of management's response concerning your allegation of discrimination. If you do not agree with the response, you have the right to file a **Formal Complaint of Discrimination** with the enclosed **PS Form 2579A** and **2565**. Please sign the **PS Form 2579A**; return a copy to me and keep the other for your records.

Should you elect to file a **Formal Complaint**, please be specific on the factor(s) of Discrimination you are alleging and file it using **PS Form 2565** within **fifteen (15) days** of receipt of this letter and return it to me. In addition, if you do elect to file a **Formal Complaint of Discrimination**, please provide a brief narrative concerning your allegation and why you felt the

action was discriminatory with supportive evidence. If you elect not to pursue, do nothing.

If I can be of further assistance, please contact me at the noted address and or telephone number.

Sincerely,

A handwritten signature in black ink, appearing to read "Huie A. Douglas", with a long, sweeping horizontal line extending to the right.

Huie A. Douglas  
EEO Complaints Processing  
1000 West Valley Road  
Southeastern, PA 19399-9411  
(610) 964-6460

cc: Ira H. Weinstock, P.C.



U.S. Postal Service

**Notice of Right to File Individual Complaint**

Counselee Name (Last, First, MI)

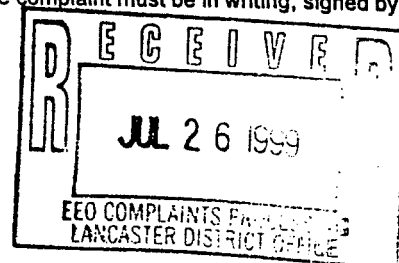
WORKINGER, GEORGE S.

Informal Case No.

4C175005799

This notice will attest to the fact that on letter dated 7-15-99 I advised you of the actions taken concerning the allegation(s) of discrimination which you brought to my attention. If the matters which you raised during the precomplaint processing stage have not been resolved, you have the right to file a formal complaint within 15 calendar days of the date this notice is received. PS Form 2565, EEO Complaint of Discrimination in the Postal Service, is being provided to you for this purpose. The complaint must be in writing, signed by you and delivered to:

EEO COMPLAINTS PROCESSING  
U S POSTAL SERVICE  
1000 W VALLEY RD  
SOUTHEASTERN PA 19399-9411



The complaint will be deemed timely filed if it is delivered in person or postmarked before the expiration of the 15 calendar day filing period, or, in the absence of a legible postmark, if it is received by mail within 5 calendar days of the expiration of the 15-day filing period.

An EEO discrimination complaint can be processed only if the complainant alleges he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability or retaliation for past EEO activity. In addition, courts have ruled the complainant has the burden of presenting evidence which would give rise to an inference of discrimination. A complaint must contain the following information:

- (1) Your name, address, position, and level;
  - If you change your address, you have a regulatory requirement to immediately report the change to the EEO Compliance and Appeals Coordinator located in your area. (Employees at Postal Service Headquarters and Headquarters Field Units, and employees of the Inspection Service should notify the EEO Appeals Review Specialist at Postal Service Headquarters.)
- (2) The specific action or matter complained of, the date of occurrence, and the names of the official(s) who took the action alleged to be discriminatory;
  - You cannot add matters which were not discussed during counseling.
- (3) The specific type of discrimination alleged, e.g., race - black, sex - female, etc.;
  - If you allege disability discrimination, the alleged disability must be more than a temporary condition.
  - If you allege age discrimination, you must have been at least 40 years of age on the date the alleged discriminatory action occurred.
- (4) A brief statement of the facts which led you to believe you were discriminated against, and the names of similarly situated individuals whom you believe were treated differently than you.
  - If you allege a failure to accommodate a disability or your religion, you must explain the accommodation sought and why you sought it.
  - If you allege retaliation you must show a connection between the action about which you are complaining and your past EEO activity, and you must show that management was aware that you had engaged in protected activity when the alleged discriminatory action occurred.
- (5) The name of the EEO Counselor and the date the Notice of Right to File was received.

**Privacy Act Notice / USPS Standards of Conduct**

**Privacy Act Notice.** The collection of this information is authorized by Public Law 92-261, Equal Employment Act of 1972; 29 U.S.C., sections 621 et seq. and 701 et. seq.; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center

for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

**USPS Standards of Conduct.** Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action (ELM 666).

Signature of Counselee

Date

Signature of Counselor

Date

Counselor, if Notice of Right to File is provided to Counselee by mail, it must be sent certified, return receipt requested. Attach signed PS Form 3811, Domestic Return Receipt, to this notice to evidence date of Counselee's receipt.

EEO COMPLAINTS PROCESSING  
LANCASTER DISTRICT



May 27, 1999

## **REQUEST FOR COUNSELING**

Mr. George Workerger  
1170 Valley Green Rd.  
Etters, PA 17319-9490

Certified Mail No. Z 113 819 944  
Return Receipt Requested

Dear Mr. Workerger:

You called May 26, 1999, requesting relevant information into filing an EEO Complaint.

Please read the enclosed documents. If you elect to file a complaint, please complete and return to my office.

The counseling in this case may be conducted in person, by telephone or by mail. Therefore, be prepared to respond if and when an EEO Counselor/Investigator contacts you concerning your complaint.

The following is being sent to insure that you are aware of your rights and responsibilities in the EEO Complaints Process. **Please read this information carefully:**

When completing the "Request for Counseling Forms", please be specific as to the issue(s) of your complaint; the type(s) of discrimination; those treated favorably; those aware of the action(s) against you; the responsible official(s) and the dates of those treated favorably or those treated differently than yourself. **Specifically, it is imperative that you complete the first 3 pages.**

**If you fail to return your Request for Counseling Forms within ten (10) days, no further action will be taken.**

**Please find enclosed the following documents:**

1. PS Form 2564-A, **Information for Precomplaint Counseling**. Review carefully, complete, sign required/applicable forms and return to me.
2. Booklet **"What you need to know about EEO"** with acknowledgment/receipt form. Please sign, date and return acknowledgment and receipt form to me.

3. **PS Form 2584, Representative and Anonymity.** Complete, sign, date and return to me.
4. **PS Form 2563-A, Privacy Act Notice for EEO Discrimination Complaint/Interview** Review carefully, sign, date and return to me.
5. **PS Form 2563-B, Allegations of Discrimination based on Age.** Review carefully, sign, date and return to me. (If Applicable)
6. Franked envelope. To be used for return of requested forms only
7. On complaints regarding Physical or Mental disability, medical documentation must be provided substantiating disability complaint.


**Warning:** Individuals seeking to avoid payment of postage by submitting requests for Precomplaint counseling or formal complaints or other personal information in franked envelopes may be subjected to a \$300.00 penalty.

**Note:** If you have received notice of personnel action, such as notice of removal, suspension, letter of warning, grievance response from management, etc. Please submit a copy when you return the necessary documents. In addition, for an issue regarding disability, the complainant must provide medical evidence substantiating their disability.

Should you choose not to pursue your complaint, please sign and date the attached PS Form 2564-C, **Withdrawal of Informal EEO Complaint of Discrimination**, and return it to me in the attached franked envelope. **If you fail to return the "Request for Counseling Forms, no further action/inquiry into your request will be taken".**

Please do not hesitate to call me if you have any other questions.

Sincerely,

  
Huie A. Douglas/ EEO Specialist  
1000 West Valley Road  
Southeastern PA 19399-9411  
(610) 964-6460

File

U.S. Postal Service

# Information for Precomplaint Counseling

Telephone  
217-819-9444

Certified No. 217-819-9444	or Hand Delivered On
By (Initials) CW	Informal No. 46-175-0057-9

Important: Please Read Carefully. This is the only notification that you will receive regarding the necessity for you to complete this form. This form should be completed and returned to the EEO Office within 10 calendar days.

On 5/26, 1999, you requested an appointment with an EEO Counselor.

## A. Requester Information

Name (Last, First, MI) <u>WORKINGER, GEORGE, S.</u>	Social Security No. <u>194-36-0860</u>	Home Telephone No. <u>(717) 938-6472</u>
Mailing Address <u>1170 VALLEY GREEN ROAD</u>	<u>ETTER, PA 17319</u>	
Postal Facility Where You Work <u>ETTER-NEW CUMBERLAND TRC-THEN-RCA</u>	Position Title <u>ETTER</u>	Grade Level <u>PA 17319</u>
Pay Location <u>K05</u>	Tour <u>ETTER</u>	Office Telephone No. <u>(717) 938-6137</u>
Employment Status (Check One) <input type="checkbox"/> Applicant <input type="checkbox"/> Casual <input type="checkbox"/> TE <input type="checkbox"/> Career	Off Days (If Tour I, Show Nights Off)	Duty Hours <u>(717) 774-7092</u>
Time in Current Position ____ Years ____ Months		

## B. Discrimination Factors

In the Postal Service, prohibited discrimination includes actions taken based on your Race, Color, Religion, Sex, Age (40+), National Origin, Physical and/or Mental Disability, or Retaliation (actions based on your participation in prior EEO activity). These categories are referred to on this form as factors.

What Factor(s) of Discrimination Are You Alleging (Be Specific; Describe, i.e., Race-Black, Sex-Female)?

- 1) AGE - OVER AGE 40 - YOUNGER EMPLOYEE WITH LOWER RCA TEST SCORES WAS OFFERED AND GIVEN EMPLOYMENT BEFORE ME.
- 2) GENDER - MALE

For Retaliation Allegations Only: If you are alleging retaliation discrimination, provide the date(s) and specifics of the EEO activity which you feel caused you to be retaliated against.

1. On \_\_\_\_\_, 19\_\_\_\_, I engaged in EEO activity. Case No.: \_\_\_\_\_
2. On \_\_\_\_\_, 19\_\_\_\_, I engaged in EEO activity. Case No.: \_\_\_\_\_

## C. Description of Incident/Activity

Please use the space below to briefly describe the incident or activity which prompted you to seek EEO counseling at this time.

On 2/3, 1999, the following occurred: I WAS TERMINATED FOR ALLEGEDLY BUMPING A PARKED VEHICLE WHILE WORKING ON 12/12/98. I STATED IN THE ACCIDENT REPORT I WAS UNAWARE OF THE MISHAP. I WAS NOT GIVEN A HEARING NOR WAS THE PERSONNEL ACTION TAKEN WITHIN THE SPECIFIED TIME ALLOWED PURSUANT TO USPS REGULATIONS.

Explain why you believe, based on the factors cited in Section B, that you were treated differently than other employees in similar situations.

1. JAMES BOWMAN AGE-39  
 (Name of Employee) (Factor(s) describing employee, i.e., Race-Black, Sex-Female)  
 was treated differently than I when: HE WAS OFFERED AND GIVEN EMPLOYMENT AHEAD OF ME, EVEN THOUGH HIS ACA TEST SCORES WERE LOWER; WE HAD THE SAME EQUAL SENIORITY.
2. \_\_\_\_\_  
 (Name of Employee) (Factor(s) describing employee, i.e., Race-Black, Sex-Female)  
 was treated differently than I when: \_\_\_\_\_
3. \_\_\_\_\_  
 (Name of Employee) (Factor(s) describing employee, i.e., Race-Black, Sex-Female)  
 was treated differently than I when: \_\_\_\_\_

CONTACT:

RE:

D. Officials Responsible for Action DENNIS TEUREL - NEW COMBESLAND, PA 17070 - TRANSFER!

Provide the name(s) of the official(s) who took the action which prompted you to seek counseling at this time.

1a. Name <u>MERRIE B. WYRICK</u>	b. Title <u>POSTMASTER</u>
c. Office <u>ETERS PA 17319</u>	d. Grade Level
2a. Name <u>KATHY LANDIS, DIC</u>	b. Title <u>DIC (POSTMASTER)</u>
c. Office <u>ETERS PA 17319</u>	d. Grade Level

Retaliation Allegations Only: Was/were the official(s) listed in Section D above aware of your prior EEO activity (Explain)?

☐ Yes ☐ No

#### E. Resolution Sought

What are you seeking as a resolution to your complaint? COMPENSATION AS PRESCRIBED IN EEOC GUIDELINES:

- 1) AGE DISCRIMINATION EMPLOYMENT ACT OF 1967 (ADEA)
- 2) EQUAL PAY ACT OF 1963
- 3) TITLE VII - CIVIL RIGHTS ACT 1964
- 4) CIVIL RIGHTS ACT OF 1991

#### F. Grievance/MSPB Appeal

On the incident which prompted you to seek EEO counseling, have you:

1. Filed a grievance on the issue? ☐ No ☒ Yes If yes, 2/12/99 (Date) \_\_\_\_\_ (Step)
2. Filed an MSPB appeal on this issue? ☐ No ☐ Yes If yes, ?? (Date Filed) \_\_\_\_\_
3. Veteran's Preference? ☒ No ☐ Yes If yes, number of points \_\_\_\_\_



## G. Anonymity

You have the right to remain anonymous at the Counseling stage of EEO Complaint Processing.

Do you desire anonymity?

☒ Yes ☐ No

## H. Representation

You have the right to retain representation of your choice. (Check One)

☒ I authorize the person listed below to represent me. *RESERVATION OF RIGHTS, IF NECESSARY.*

*IRA H. WEINSTOCK, P.C.*  
(Name of Representative)

*RETAINED ATTORNEY*  
(Title)

(Organization)

*PO BOX 52000 ST.*  
(Mailing Address)

*HARRISBURG PA 17102*  
(City/State/ZIP + 4)

*(717) 238-1657*  
(Telephone Number)

*FAX (717) 238-6691*

☒ I waive the right to representation at this time.

## I. Privacy Act Statement/USPS Standards of Conduct

Privacy Act Notice. The collection of this information is authorized by Public Law 92-261, Equal Employment Act of 1972, 29 U.S.C., sections 621 et seq and 701 et seq; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes, where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center

for storage to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction, and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

USPS Standards of Conduct. Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action (ELM 666)

## J. Documentation

Please attach any documentation you wish to submit to support your allegation(s). Include a copy of any written action(s) which caused you to seek counseling at this time.

Note: If you are alleging mental and/or physical disability, you MUST submit medical documentation of your disability at this time or during counseling.

## K. Authorization

Your Signature

*[Signature]*

Date

*5/29/97*

Return To:

EEO COMPLAINTS PROCESSING  
US POSTAL SERVICE  
1000 WEST VALLEY ROAD  
SOUTHEASTERN PA 19399-9411

NOTICE: COMPLETE THIS SECTION ONLY IF YOU NO LONGER SEEK EEO COUNSELING

I hereby request that you close this file from processing. I fully understand that this complaint file will not be reopened once closed, and I waive my right to any further EEO Appeal on this matter. I stipulate that my decision not to pursue counseling is voluntary and did not result from threat, coercion, intimidation, promise or inducement.

Your Signature

Date



Continuation Sheet for Description of Incident.

Use this sheet only to describe background information.

ON 11/25/98, KATHY LANDIS, OIC, CONFRONTED ME ABOUT NOT WILLING TO WORK ROUTE #7 ON THE FOLLOWING MONDAY WITH THREATS OF PERSONNEL ACTION. HOWEVER SHE FAILED TO ASK RCA-ANN STUMBAUGH AND RCA-GLORIA NEIDIG BEFORE ASKING ME = BOTH OF THESE HAVE SENIORITY ABOVE ME. THE LOCAL UNION REPRESENTATIVE THEN INTERVIEWED AND ADVISED OIC LANDIS THAT HER DEMANDS WERE IMPROPER. THEN THE NEXT PAY PERIOD, MY DAYS WORKED WERE REPORTED INCORRECTLY AS WERE THOSE OF RCA-ANN STUMBAUGH AND RCA-TOM SHORT. THAT SAME PAY DAY 12/2/98 WAS THE DATE OF THE ALLEGED AUTO ACCIDENT. I WAS NOT ALLOWED TO HAVE A HEARING NOR OTHER DUE PROCESS AND WAS LEFT UNADVISED UNTIL 2/3/99 - THE DATE OF PERSONNEL ACTION. THIS IMPROPER AND UNTIMELY PROCEDURE CAUSED CONSIDERABLE MENTAL DURESS, UNCERTAINTY, ETC. AND IS THE BASIS FOR THE GENDER DISCRIMINATION COMPLAINT. THE AGE DISCRIMINATION COMPLAINT IS BASED ON THE OFFERING AND GIVING EMPLOYMENT TO A YOUNGER EMPLOYEE THAN ME WITH LOWER RCA TEST SCORES. (ROUTE #7) THIS CAN BE VERIFIED BY EXAMINING THE LOG BOOK FOR ROUTE #7 FOR 1998. JAMES BOWMAN WAS OFFERED AND GIVEN EMPLOYMENT AHEAD OF ME RESULTING IN UNEQUAL PAY AND IMPROPRIETY.

PLEASE SEE ATTACHMENTS: (6 PAGES)



**WHAT YOU NEED TO KNOW ABOUT EEO.**  
**AN INFORMATIVE BOOKLET**

5/29/99

(Date)

This booklet will give you an overview of the Equal Employment Opportunity (EEO) Complaints process in the Postal Service. It will explain your rights and responsibilities. Please read it carefully.

I hereby certify that on this date, I received a copy of the booklet "What I Need To Know About EEO" to keep in my personal records.

George S. Workinger

(Type or Print Name)

[Signature]

(Signature)

**EEO Counselor/Investigator**

**KEEP THIS ACKNOWLEDGEMENT/RECEIPT IN YOUR RECORDS FOR A TWO YEAR PERIOD. SHOULD THE COUNSELEE SUBMIT ANOTHER REQUEST FOR COUNSELING WITHIN THE RETENTION PERIOD, THE COUNSELEE WILL NOT BE ISSUE A BOOKLET UNLESS ANOTHER COPY IS REQUESTED.**

File



George,

Tom's 89 days are up on RR2... at this time he would rather stay as the assigned carrier back on RR1. This means I must offer RR2 to another carrier until Pam comes back. If no one wants it, then Tom will ~~carry~~ it part of the week & do 7 the rest. & we will back fill with Susanna. Let me know & what your option would be if you had a choice. Me

UNITED STATES POSTAL SERVICE  
CALL-IN NOTICE

ETTERS POST OFFICE PA 17319-9998

TELEPHONE: (717) 390-7478

NOTICE DATE: 06-19-98

HMS NO: 98-00177 HMS DATE: 06-19-98

ELIGIBLE ID: 194-36-0860

RATING: 82.50

VETERANS PREFERENCE:

GEORGE S WORKINGER  
1170 VALLEY GREEN ROAD  
ETTERS PA 17319-9490

--  
YOUR NAME HAS BEEN REACHED ON OUR REGISTER FOR EMPLOYMENT CONSIDERATION. WE WOULD LIKE TO INTERVIEW YOU  
FOR THE FOLLOWING POSITION:

RURAL CARRIER ASSOCIATE

\$11.70 PER HOUR.

MUST HAVE SAFE DRIVING RECORD

MUST HAVE VALID STATE DRIVERS LICENSE

\*\*ATTENTION\*\*PLEASE SEE ENCLOSED LETTER REGARDING

CALLING HIRING AND TESTING TO SCHEDULE INTERVIEW PRIOR

TO DEADLINE, AND RETURN APPLICATION TO HIRING AND TESTING

THIS NOTICE IS NOT AN OFFER OF EMPLOYMENT. DO NOT RESIGN FROM YOUR PRESENT POSITION AT THIS TIME.

CONTACT HIRING AND TESTING

ON 717-390-7478 BY 06-26-98 FOR AN APPOINTMENT FOR AN INTERVIEW.

REPORT TO: US POST OFFICE

ETTERS

53 S KEISTER ST

ETTERS PA 17319

BRING THIS NOTICE, RECORD OF MILITARY SERVICE (DD214), SOCIAL SECURITY CARD AND THE ENCLOSED FORM(S) PROPERLY COMPLETED TO YOUR INTERVIEW. INCLUDE ZIP CODE ON ALL ADDRESSES. IF YOU ARE FOREIGN-BORN, BRING PROOF OF NATURALIZATION OR ALIEN REGISTRATION RECEIPT CARD (FORM 1-151 OR 551). IF YOU WISH TO DECLINE THIS POSITION, COMPLETE THE ATTACHED "DECLINATION STATEMENT" AND RETURN TO THE POST OFFICE. FAILURE TO REPORT OR RESPOND WILL REMOVE YOUR NAME FROM ALL REGISTERS LISTED ON THE NEXT PAGE.

THE COLLECTION OF THIS INFORMATION IS AUTHORIZED BY 39 USC 401.1001. AS A ROUTINE USE, THIS INFORMATION MAY BE DISCLOSED TO AN APPROPRIATE LAW ENFORCEMENT AGENCY FOR INVESTIGATIVE OR PROSECUTIVE PURPOSES, TO A CONGRESSIONAL OFFICE AT YOUR REQUEST, TO OMB FOR REVIEW OF PRIVATE RELIEF LEGISLATION, TO ANY AGENCY WHERE RELEVANT TO HIRING, CONTRACTING, OR LICENSING, TO A LABOR ORGANIZATION AS REQUIRED BY THE NLRA, TO THE EEOC WHEN INVESTIGATING AN EEO COMPLAINT, AND WHERE PERTINENT, IN A LEGAL PROCEEDING TO WHICH THE USPS IS A PARTY.

ERMA MOHLER  
HUMAN RESOURCE ASSOCIATE

LANCASTER CUSTOMER SERVICE & SALES DISTRICT



June 19, 1998

**TO CURRENT TEMPORARY RELIEF CARRIER IN OFFICE WITH HIRING  
WORKSHEET FOR RCA POSITION (S)**

A hiring worksheet has been requested to fill the position of Rural Carrier Associate in your office.

Your name has come up on the worksheet. As a current employee in the office, you do not need to be interviewed for this position. However, you do need to let your Postmaster or Officer in Charge know if you are interested in being considered for this position no later than **June 15, 1998**.

If you are not interested in being considered at this time, please follow the instructions on the second page of the callin notice to have your name retained on the register for future consideration for the Rural Carrier Associate position.

If you have any questions, please contact Hiring and Testing at **717-390-7478 or 7470**.

Sincerely,

Erma Mohler  
Human Resource Assoc.



February 1, 1999

**GEORGE S WORKINGER  
RURAL CARRIER ASSOCIATE  
SS#:194-36-0860**

**SUBJECT: SEPARATION DURING PROBATIONARY PERIOD**

This is official notice that you will be separated from the Postal Service effective with the close of business February 3, 1999

This separation action is being taken for the following reason(s):

- **Failure to report an accident** On December 12, 1998 you were involved in a preventable motor vehicle accident. You left the accident without notifying the owner of the other vehicle and did not report it to Management.

- Your actions are unacceptable and will not be tolerated by Management, therefore, your separation is warranted.

All government property such as the identification badge and locker key must be returned before any money due you will be paid.

  
KATHY LANDIS  
OIC, ETTERS

  
DATE

CC: Personnel  
Labor Relations  
Finance  
File

ETTERS POST OFFICE



FEBRUARY 3, 1999

GEORGE S. WORKINGER  
SS: 194-36-0860

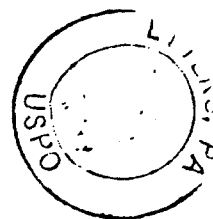
ON THIS DAY THE 3<sup>RD</sup> DAY OF FEBRUARY, GEORGE S. WORKINGER  
RETURNED TO THE UNITED STATES POSTAL SERVICE AT THE ETTERS  
OFFICE 1 EMPLOYEE BADGE, ONE (1) MASTER KEY TO THE BUILDING, ONE  
(1) LOCKER KEY, ONE (1) KEY TO STAMP BOX.

IN ADDITION TO THE ABOVE STAMP CREDIT WAS CLEARED AT 174.45.

OTHER THAN A PAY ADJUSTMENT THAT HAS NOT BEEN RECEIVED,  
GEORGE S. WORKINGER HAS BEEN CLEARED FROM THIS OFFICE.

A handwritten signature in cursive script, appearing to read "Kathy Landis".

KATHY LANDIS  
POSTMASTER/OIC  
ETTERS PA 17319-9998





## RURAL PAY OR LEAVE ADJUSTMENT REQUEST

Date

2/20/99

☒ Form 1314 Correction  
☐ Form 1314-A Correction

Corrected Form 1314 (Attach original)

Name of Assigned Carrier							Finance No.		Social Security Number			Des	Route No.	FLSA Code	Yr	P/P	
STANK J. A.							412572		1814896137110				K005	B	98	25	
Days Assigned Carrier Absent							Actual Wkly Work Hrs	Daily Overtime	Training Hours	COP Hrs	Limited Duty Hrs	Route Dev.	GT Veh Used	Miles Omitd	Christmas Asst Wk Hrs		
Sat	Mon	Tue	Wed	Thur	Fri												
Week 1 25.99 K							Hrs   100s	Hrs   100s	Hrs   100s		Hrs   100s	Miles	Trips		Hrs   100s		
Week 2 32.58 K							Hrs   100s	Hrs   100s	Hrs   100s		Hrs   100s	Miles	Trips		Hrs   100s		
							Hrs   100s	Hrs   100s	Hrs   100s		Hrs   100s	Miles	Trips		Hrs   100s		
Des		Name of Relief Carrier		Social Security Number		Week 1 Information				Week 2 Information							
						Actual Wkly Wrk Hrs	Trips	No EM	EM Only	Whole Miles Dev (+) Omitd (-)	Actual Wkly Wrk Hrs	Trips	No EM	EM Only	Whole Miles Dev (+) Omitd (-)		
780		GEORGE WORKINGER		194-36-0860		18.92	2				18.47	2					
						Hrs   100s					Hrs   100s						
						Hrs   100s					Hrs   100s						
						Hrs   100s					Hrs   100s						
						Hrs   100s					Hrs   100s						

Corrected Form 1314-A (Attach original)

Name of Assigned Carrier							Finance No.		Social Security Number			Des	Route No.	FLSA Code	Yr	P/P	
WORKINGER GEORGE							41-2572		194-360860			780	9999	P	98	26	
WK	Actual Weekly Work Hours	Training Hours	Night Work (77 Only)	Equipment Allowance			Leave - Whole Hours				N - No Service					Christmas Work Hours	
				Hours	Trips	Miles	Ann.	Sick	Other	COP	Sat	Mon	Tues	Wed	Thur		Fri
1	Hrs.   100s	Hrs.   100s	Hrs.   100s														Hrs.   100s
2	0400	0400															Hrs.   100s
	Hrs.   100s	Hrs.   100s	Hrs.   100s														Hrs.   100s
Des		Name of Relief Carrier		Social Security Number		Week 1 Information				Week 2 Information							
						Actual Wkly Wrk Hrs	Night Work (77 Only)	Equipment Allow		Actual Wkly Wrk Hrs	Night Work (77 Only)	Equipment Allow					
						Hours	Trips	Miles	Hours	Trips	Miles	Hours	Trips	Miles			
						Hrs.   100s	Hrs.   100s				Hrs.   100s	Hrs.   100s					
						Hrs.   100s	Hrs.   100s				Hrs.   100s	Hrs.   100s					
						Hrs.   100s	Hrs.   100s				Hrs.   100s	Hrs.   100s					
						Hrs.   100s	Hrs.   100s				Hrs.   100s	Hrs.   100s					
						Hrs.   100s	Hrs.   100s				Hrs.   100s	Hrs.   100s					

Remarks (If more space is needed use reverse side)

Remarks:

GEORE WORKINGER WAS NEVER PAID FOR 2 TRIPS  
 = 18.47 FOR WK 2 PP 25 4 HRS  
 ALSO NEVER PAID FOR TRAINING THAT HE CAME IN  
 FOR 12/16/98 FOR ACCIDENT  
 NEVER SUBMITTED

Return to: (Issuing office complete this block)

Employee's Signature &amp; Date

An Workin 2/22/99

March 29, 1999

U.S. Equal Employment Opportunity Commission  
Intake Unit-Philadelphia District Office  
21 South Fifth Street, Fourth Floor  
Philadelphia, PA 19102

Dear Intake Unit:

This letter and supporting information will serve to alert your office of a possible act of discrimination by the U.S. Postal Service.

The Pennsylvania Human Relations Commission has no authority or jurisdiction to investigate (see attached).

The collective bargaining unit, The Pennsylvania Rural Letter Carriers Association, has initiated grievance proceedings. However, I'm unsure whether their action includes relief as prescribed by EEOC guidelines. If the union hasn't already filed with your office, please allow this serve as notice.

Thank you for your prompt attention. Please advise with questions, comments, instructions, etc.

Sincerely,



George S. Workinger  
1170 Valley Green Road  
Etters, PA 17319

Phone (717) 938-6472  
FAX (717) 938-1194

cc: Mr. Joey Johnson, PA Rural Letter Carriers Assn.  
FAX (610) 718-9712; Phone (610) 718-9712

U.S. Postal Service

# Privacy Act Notice/USPS Standards of Conduct for EEO Discrimination Complaint - Interview

## Privacy Act Notice

The collection of this information is authorized by Public Law 92-261, Equal Employment Act of 1972; 29 U.S.C., sections 621 et seq. and 701 et. seq.; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for

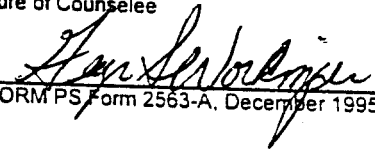
storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

## USPS Standards of Conduct

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action (ELM 666).

Signature of Counselor

Date

  
TransFORM PS Form 2563-A, December 1995

5/29/99



U.S. Postal Service

**Allegations of Discrimination Based on Age**

The Age Discrimination in Employment Act of 1967 (ADEA) prohibits discrimination in employment on the basis of age (40 years or older). The ADEA allows persons claiming age discrimination to go directly to court without going through an agency's administrative complaint procedures. The following information is being provided to you to explain the procedures concerning age discrimination.

If your complaint alleges age discrimination, you may bypass the administrative complaint process by electing not to file a formal complaint and instead filing a civil action in an appropriate U.S. district court. Prerequisite to filing suit in U.S. district court, you must file a notice of intent to sue with the Office of Federal Operations, Equal Employment Opportunity Commission, in which you give the EEOC not less than 30 calendar days written notice of your intent to file such an action.

Notices of intent to sue must be mailed to the EEOC at the following address:

FEDERAL SECTOR PROGRAMS  
OFFICE OF FEDERAL OPERATIONS  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
PO BOX 19848  
WASHINGTON DC 20036-9848

hand delivered to:

FEDERAL SECTOR PROGRAMS  
OFFICE OF FEDERAL OPERATIONS  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
1801 L ST NW  
WASHINGTON DC 20507

or facsimile to:

202-663-7022.

The notice of intent to sue should be dated and must contain the following information:

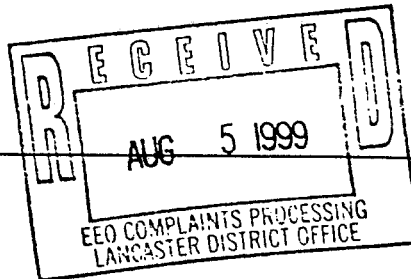
- (1) Statement of intent to file a civil action under section 15(d) of the Age Discrimination in Employment Act of 1967, as amended;
- (2) Name, address, and telephone number of the employee or applicant;
- (3) Name, address, and telephone number of the complainant's designated representative, if any;
- (4) Name and location of the Postal facility where the alleged discriminatory action occurred;
- (5) Date on which the alleged discriminatory action occurred;
- (6) Statement of the nature of the alleged discriminatory action(s); and
- (7) Signature of the complainant or the complainant's representative.

If, however, you choose to file a formal, administrative complaint, you must exhaust administrative remedies before proceeding to court. 29 C.F.R. §1614 provides that a complainant exhausts administrative remedies under the ADEA either: (1) 180 days after filing a complaint, if the Postal Service has not issued a decision and an appeal has not been taken; (2) after a final decision by the Postal Service; (3) 180 days after filing an appeal with the EEOC, if the EEOC has not issued a decision; or (4) after the EEOC issues a decision on appeal.

Signature of Complainant

Date

Signature of Counselor



George S. Workinger, CLU, RFP

## Sentry Insurance

Sentry Insurance  
Sentry Equities  
1170 Valley Green Road  
Etters, PA 17319  
717 938-6472

August 3, 1999

Mr. Huie A. Douglas, EEO Processing  
U.S. Postal Service  
1000 West Valley Road  
Southeastern, PA 19399-9411

Case No: 4C-175-0057-99  
Cert No: Z 338-270-272

Dear Mr. Douglas:

Permit me to recapitulate the issues of the complaint. Both issues are co-relevant and germane to the complaint.

The untimely and unheard termination notice of 2/3/99 came more than the thirty days allowed from the date of the alleged incident. Acting postmaster Kathy Landis, OIC, was the responsible management official, and is no longer assigned there.

The Bowman employment offer/acceptance was discovered when the responsible management official, Merrie Wyrick, (Postmaster) was attempting to withhold the infraction in July, 1998. Wyrick subsequently became emotionally ill and was not present to process the EEO complaint which was left unattended, ignored, etc. Wyrick remains on disability leave of absence to this date. The log book for Route 7 will verify these dates, employees, etc.

I was not advised of any EEO poster or any billboard instructions for EEO complaint filing. I would have certainly followed posted guidelines and not circumvented USPS procedure by consulting the Supervisory Administrative Judge's office in the Philadelphia EEOC unit for instructions. However, the grievance was filed by me in timely fashion to avoid time limit statutes.

I trust this will clarify the issues. Please advise if more details are needed. Thank you for your continued handling and I look forward to the reply from EEO Office of Compliance & Appeals.

Sincerely,

George S. Workinger

cc: Judge Susan A. Flynn, EEOC, Philadelphia, PA  
Ira H. Weinstock, Esquire, Harrisburg, PA

George S. Workinger  
1170 Valley Green Road  
Etters, PA 17319  
Phone(717)938-6472  
FAX (717)938-1194  
email: MrInsDrCLU @ aol.com

FAX COVER SHEET

To: Susan A. Flynn, Supervisory Administrative Judge  
EEOC Phila. District Office FAX(215)451-5848  
Re: EEO Complaint vs. United States Postal Service

Total Pages: 5

Date: 5/18/99

**Message:**

Thank you for your reply dated 4/5/99 regarding this matter. After several attempts without replies to pre-complaint counseling requests, I'm again asking your office to intervene and initiate formal complaint proceedings in conjunction with my personal counsel and the collective bargaining unit. The accompanying new information may be of some help.

cc: Joey Johnson, PA Rural Letter Carriers, FAX(610)718-9712  
U.S. Postal Service, Lancaster District, " (717)295-7525  
Ira H. Weinstock, P.C. " (717)238-6691



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Philadelphia District Office**  
**HEARINGS UNIT**

The Bourse, Suite 400  
21 S. Fifth Street  
Philadelphia, PA 19106-2313  
PH: (215) 451-3773  
TDD: (215) 451-5814  
FAX: (215) 451-5848

April 5, 1999

George S. Workinger  
1170 Valley Green Road  
Euters, PA 17319

Dear Mr. Workinger:

This is in response to your March 29, 1999 correspondence regarding your employment with the United States Postal Service. Please be advised that the Equal Employment Opportunity Commission (EEOC) does not have jurisdiction over your complaint at this time.

Complaints of employment discrimination against federal agencies are initiated by contacting an EEO Counselor at the agency alleged to have engaged in the discriminatory conduct, for precomplaint counseling. Such allegations should be raised within 45 calendar days of the incident giving rise to the complaint. The EEO Counselor has 30 days to attempt to resolve the complaint. If that is unsuccessful, you will then have the right to file your formal complaint, again with the Postal Service. An EEO Investigator with the Postal Service will then conduct the investigation. When the investigation is completed, you will be advised of your right to a hearing before an administrative judge with the EEOC. I suggest that you contact the EEO Office at the Postal Service in Lancaster to initiate precomplaint counseling if you believe that employment actions taken against you were due to your race, color, sex, national origin, religion, age (over 40), or a permanent disability and you wish to pursue a claim.

I am enclosing a copy of our informational pamphlet, which outlines the federal sector complaints process. Feel free to contact me at (215) 451-5776 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan A. Flynn".

Susan A. Flynn  
Supervisory Administrative Judge

**HOW DOES  
MEDIATION  
UNDER  
REDRESS  
WORK?**

1. After first contacting an EEO office, you will be given the option of going to mediation instead of counseling.
2. Every effort will be made to schedule your mediation within two to three weeks of your request.
3. The mediation process starts with a joint session with you and your supervisor, where the mediator will explain how the process works and answer your questions. You and your supervisor will each get to

tell your side of the dispute. Additionally, the mediator might meet with each of you separately to discuss the problem and help you and your supervisor find a solution.

4. If a settlement is reached, it will be binding on everyone and the EEO dispute will be withdrawn.
5. If a settlement is not reached, you have lost nothing. You can continue to pursue your EEO rights by filing a formal complaint.

**WHY  
CHOOSE  
MEDIATION  
UNDER THE  
REDRESS  
PROGRAM?****➤ MEDIATION IS FAST.**

It gives you a chance to meet face-to-face with your supervisor soon after the dispute arises.

**➤ MEDIATION IS INFORMAL.**

No witnesses are called, nobody testifies under oath, and no complicated procedures and technicalities get in your way.

**➤ MEDIATION ALLOWS REPRESENTATIVES.**

You are entitled to bring a representative of your choice to the mediation; however, the process is designed for people who are handling the problem themselves.

**➤ MEDIATORS DO NOT MAKE DECISIONS OR FORCE DECISIONS ON YOU.**

Mediators are trained to work with all parties to help them find solutions to their dispute. An agreement crafted by the people involved is almost always more satisfying and more lasting than one dictated by an outside third party.

**➤ MEDIATORS ARE IMPARTIAL.**

They are trained, experienced, third party neutrals.

**➤ MEDIATION IS FREE.**

There is no cost to you for mediation.

**➤ MEDIATION IS CONFIDENTIAL.**

What you tell the mediator when you are alone is kept between the two of you unless you agree to let the mediator share it with your supervisor. After the mediation is over, the mediator destroys all notes of discussions with you.

# mediation

# REDRESS

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from 7179381194 → USPS LANCASTER\_DIST.

GEORGE WORKINGER

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LANCASTER CUSTOMER SERVICE &amp; SALES DISTRICT

*Received 4/26/99 [Signature]*

March 19, 1999

**MEMORANDUM FOR ALL POSTAL EMPLOYEES  
LANCASTER DISTRICT****SUBJECT: THE REDRESS PROGRAM**  
(Resolve Employment Disputes Reach Equitable Solutions Swiftly)

The Postal Service is implementing an Alternative Dispute Resolution, (ADR), process called REDRESS, (Resolve Employment Disputes Reach Equitable Solutions Swiftly). The REDRESS program began in Northern Florida in 1994. The positive results of that alternative dispute resolution process prompted a national roll-out of the program in January, 1998.

An employee who seeks relief through the EEO Complaint Processing forum, may be given an option to have their issues of concern mediated through the REDRESS Program, in lieu of traditional EEO pre-complaint counseling. The mediation sessions are facilitated by neutral third-parties who are NOT Postal employees. The mediator facilitates a discussion between the employee who presents the complaint, and the manager/supervisor with whom the employee has the dispute. The mediation process is non-adversarial and strictly confidential.

An employee's rights under the EEO Complaints Processing regulations are not waived when an employee chooses to have his/her issues mediated. In fact, if a resolution is not reached during the mediation process, the employee can continue to pursue the issue in accordance with established EEO Complainant Processing regulations.

REDRESS will be available to all Lancaster District employees by May of 1999 and enclosed is a brochure which further explains the REDRESS Program.

REDRESS represents a means of establishing better communication between employees and their supervisors. It is believed that the REDRESS Program is a very effective tool that will improve workplace relationships. For more information, contact Hule Douglas, EEO Counselor Investigator at (610)-964-8450 or the EEO/ADR REDRESS Specialist, Jack Hoffman at (610)-964-5420.

  
Michael W. Benson  
District Manager  
Lancaster District1906 OLD PHILADELPHIA PIKE  
LANCASTER PA 17601-9901

FAX: 717-396-7828

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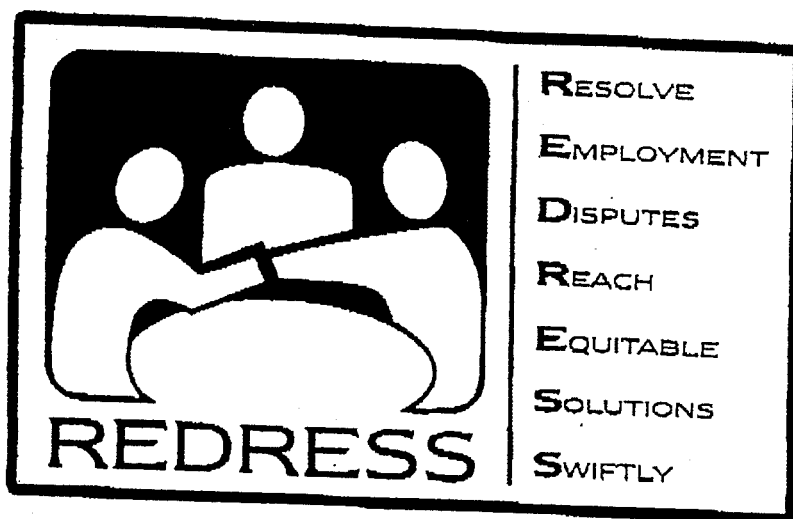
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GEORGE WORKINGER

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**CONSIDER  
REDRESS  
IF:**

- You are looking for a new, faster way to resolve your EEO dispute.
- You believe that a mediator may assist you in resolving your dispute.

**CONTACT YOUR EEO OFFICE FOR MORE DETAILED INFORMATION**



A Postal Service  
mediation program  
providing an  
informal and  
speedy alternative  
to the traditional  
EEO process.

REDRESS gives EEO complainants a new option.

**MEDIATION**

REDRESS gives employees the option of mediation  
instead of counseling.

# REDRESS